

AMENDED IN SENATE AUGUST 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 392

Introduced by Assembly Member Chan

February 11, 2005

~~An act to amend Sections 18986.86 and 18986.87 of, and to repeal Section 18986.88 of, the Welfare and Institutions Code, relating to county integrated health and human services. An act to add Chapter 11 (commencing with Section 108935) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as amended, Chan. ~~County integrated health and human services. Phthalates and bisphenol-A in children's products.~~

Existing law prohibits the manufacture, processing, and distribution in commerce of products containing chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether.

This bill would, commencing January 1, 2008, prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that (1) is intended for use by a child under 3 years of age if that product contains bisphenol-A, (2) contains DEHP, DBP, or BBP in concentrations exceeding 0.1%, or (3) is intended for use by a child under 3 years of age if that product can be placed in the child's mouth and contains DINP, DIDP, or DNOP in concentrations exceeding 0.1%.

The bill would require manufacturers to use the least toxic alternative when replacing bisphenol-A and phthalates in their products and would prohibit manufacturers from replacing

bisphenol-A and phthalates with certain carcinogens and reproductive toxicants.

~~(1) Existing law authorizes Humboldt, Mendocino, and Alameda Counties, and any additional county or counties, as determined by the Secretary of the California Health and Human Services Agency, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a pilot program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.~~

~~This bill would instead authorize any county, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.~~

~~(2) Existing law authorizes the integrated system to include specified health and human services.~~

~~This bill would authorize the integrated system to include, but not be limited to, those existing specified services and additional services and programs.~~

~~(3) Existing law requires a participating county, in consultation with the appropriate state departments, as designated by the Secretary of the California Health and Human Services Agency, to prepare an interim evaluation not later than 6 months following the 3rd year of the implementation of the program and a final evaluation not later than July 1, 2008, and submit them to the Governor or the Governor's designee and the appropriate policy committees of the Legislature.~~

~~This bill would require a participating county to evaluate its program with the participation of the appropriate state departments, prepare an evaluation, submit it to the Governor or the Governor's designee and the appropriate policy committees of the Legislature not later than 6 months following the 3rd year of the implementation of the program, and seek private funding to provide for the evaluation. The bill would only require the evaluation to be conducted if nonstate resources are made available for the purpose.~~

~~(4) Existing law repeals the pilot program's authorization as of January 1, 2009.~~

~~This bill would delete the repeal provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 108935)
2 is added to Part 3 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 11. *BISPHENOL-A AND PHTHALATES IN PRODUCTS*
6 FOR YOUNG CHILDREN
7

8 108935. (a) Bisphenol-A, an estrogen-mimicking hormone
9 disrupting chemical, is used in the production of epoxy resins
10 and is the main ingredient in hard polycarbonate plastics. The
11 plastics are used in many food and drink packaging applications,
12 and the resins are commonly used to coat metal products such as
13 food cans, bottle tops, and water supply pipes.

14 (b) Bisphenol-A is used in many products intended for use by
15 young children, including, but not limited to, toys and baby
16 bottles.

17 (c) Commencing January 1, 2008, no person or entity shall
18 manufacture, sell, or distribute in commerce any toy or child
19 care article intended for use by a child under three years of age
20 if that product contains bisphenol-A.

21 (d) For the purposes of this chapter, the following terms have
22 the following meanings:

23 (1) "Child care article" means all products designed or
24 intended by the manufacturer to facilitate sleep, relaxation, or
25 the feeding of children or to help children with sucking or
26 teething.

27 (2) "Toy" means all products designed or intended by the
28 manufacturer to be used by children when they play.

29 108940. (a) Phthalates are chemicals used to plasticize some
30 food containers, plastic wrap, and toys, and to bind fragrance to
31 shampoos, perfumes, and beauty care products.

32 (b) Phthalates have been shown to have hormone disrupting
33 effects. Nonetheless, they are used in many products intended for
34 use by young children, including, but not limited to, toys, soft
35 plastic books, and teethingers.

1 (c) Commencing January 1, 2008, no person or entity shall
2 manufacture, sell, or distribute in commerce any toy or child
3 care article that contains DEHP, DBP, or BBP in concentrations
4 exceeding 0.1 percent.

5 (d) Commencing January 1, 2008, no person or entity shall
6 manufacture, sell, or distribute in commerce any toy or child
7 care article intended for use by a child under three years of age
8 if that product can be placed in the child's mouth and contains
9 DINP, DIDP, or DNOP in concentrations exceeding 0.1 percent.

10 108945. (a) Manufacturers shall use the least toxic alternative
11 when replacing bisphenol-A and phthalates in accordance with
12 this chapter.

13 (b) Manufacturers shall not replace bisphenol-A and
14 phthalates, pursuant to this chapter, with carcinogens rated by
15 the United States Environmental Protection Agency as A, B, or C
16 carcinogens, or substances listed as known or likely carcinogens,
17 known to be human carcinogens, likely to be human carcinogens,
18 suggestive of being human carcinogens, as described in the "List
19 of Chemicals Evaluated for Carcinogenic Potential," or known
20 to the state to cause cancer as listed in the California Safe
21 Drinking Water Act (Chapter 4 (commencing with Section
22 116270) of Part 12).

23 (c) Manufacturers shall not replace bisphenol-A and
24 phthalates, pursuant to this chapter, with reproductive toxicants
25 that cause birth defects, reproductive harm, or developmental
26 harm as identified by the United States Environmental Protection
27 Agency or listed in the California Safe Drinking Water Act
28 (Chapter 4 (commencing with Section 116270) of Part 12).

29 ~~SECTION 1. Section 18986.86 of the Welfare and~~
30 ~~Institutions Code is amended to read:~~

31 ~~18986.86. (a) Any county, with the assistance and~~
32 ~~participation of the appropriate state departments, within the~~
33 ~~existing resources of those departments, may implement a~~
34 ~~program, upon approval of the county board of supervisors for~~
35 ~~the funding and delivery of services and benefits through an~~
36 ~~integrated and comprehensive county health and human services~~
37 ~~system.~~

38 ~~(b) In providing services through an integrated system to~~
39 ~~families and individuals, the program may, among other things,~~
40 ~~do all of the following:~~

1 ~~(1) Implement and evaluate a system of universal intake for~~
2 ~~those seeking services.~~

3 ~~(2) Implement and evaluate a system whereby a family or~~
4 ~~individual eligible for more than one service may be provided~~
5 ~~those services through an integrated, coordinated service plan.~~

6 ~~(3) Implement and evaluate a system of administration that~~
7 ~~integrates and coordinates the management and support of client~~
8 ~~services.~~

9 ~~(4) Implement and evaluate a system of reporting and~~
10 ~~accountability that provides for the combined provision of~~
11 ~~services as provided for in paragraph (2), without the loss of state~~
12 ~~or federal funds provided under current law.~~

13 ~~(5) In consultation with the appropriate state departments, as~~
14 ~~designated by the Secretary of Health and Human Services, any~~
15 ~~participating county may develop specific goals in addition to~~
16 ~~those specified in paragraphs (1) to (4), inclusive, to achieve an~~
17 ~~integrated and comprehensive county health and human services~~
18 ~~system.~~

19 ~~(e) The integrated system may include, but need not be limited~~
20 ~~to, the following:~~

21 ~~(1) Adoption services.~~

22 ~~(2) Child abuse prevention services.~~

23 ~~(3) Child welfare services.~~

24 ~~(4) Delinquency prevention services.~~

25 ~~(5) Drug and alcohol services.~~

26 ~~(6) Mental health services.~~

27 ~~(7) Eligibility determination.~~

28 ~~(8) Employment and training services.~~

29 ~~(9) Foster care services.~~

30 ~~(10) Health services.~~

31 ~~(11) Public health services.~~

32 ~~(12) Housing services.~~

33 ~~(13) Medically indigent program services.~~

34 ~~(14) California Children's Services Program.~~

35 ~~(15) Child Health and Disability Prevention Program.~~

36 ~~(16) Health care services for children in foster care.~~

37 ~~(17) Childhood Lead Poisoning Prevention Program.~~

38 ~~(18) Immunization outreach and education.~~

39 ~~(19) Maternal and child health services.~~

40 ~~(20) Adolescent Family Life Program.~~

1 ~~(21) Tuberculosis control services.~~
2 ~~(22) Bioterrorism preparedness and emergency response~~
3 ~~services.~~
4 ~~(23) HIV/AIDS counseling and testing.~~
5 ~~(24) HIV/AIDS education and prevention.~~
6 ~~(25) HIV/AIDS surveillance.~~
7 ~~(26) Oral health services.~~
8 ~~(27) Preventative health care services for the aging.~~
9 ~~(28) Sexually transmitted disease control.~~
10 ~~(29) Tobacco control program services.~~
11 ~~(30) Women, Infants, and Children Supplemental Nutrition~~
12 ~~Program.~~
13 ~~(d) (1) Part 2.6 (commencing with Section 56) of Division 1~~
14 ~~of the Civil Code shall apply to the programs or services~~
15 ~~providing integrated services.~~
16 ~~(2) Before a program obtains an individual's medical~~
17 ~~information, including mental health and drug treatment records,~~
18 ~~his or her informed authorization shall be obtained, or the~~
19 ~~informed authorization of his or her custodial parent, or his or her~~
20 ~~guardian shall be obtained if the individual is a minor, unless the~~
21 ~~minor is authorized to give consent.~~
22 ~~(3) Medical information shall not be disclosed to any~~
23 ~~individual who is not authorized to have that information~~
24 ~~pursuant to the authorization provided in paragraph (2).~~
25 ~~(4) Medical information shall not be disclosed for any purpose~~
26 ~~that is not authorized by the authorization in paragraph (2).~~
27 ~~(5) The sharing of information permitted under paragraphs (2),~~
28 ~~(3), and (4) shall be governed by memoranda of understanding~~
29 ~~among the agencies represented on the team. These memoranda~~
30 ~~shall specify the types of information that may be shared without~~
31 ~~a signed release form, and the process to be used to ensure that~~
32 ~~current confidentiality requirements, as described in subdivision~~
33 ~~(d), are met.~~
34 ~~(6) Any client shall have access to his or her medical~~
35 ~~information and shall have the right to correct any inaccurate~~
36 ~~information contained in the medical information.~~
37 ~~(e) Programs or services shall be included in the program only~~
38 ~~to the extent that federal funding to either the state or the county~~
39 ~~will not be reduced as a result of the inclusion of the services in~~

1 the project. This program shall not generate any increased
2 expenditures from the General Fund.

3 (f) Each participating county and the appropriate state
4 departments shall jointly seek federal approval of the program, as
5 may be needed to ensure its funding and allow for the integrated
6 provision of services.

7 (g) This chapter shall not authorize a participating county to
8 discontinue meeting its obligations under current law to provide
9 services or to reduce its accountability for the provision of these
10 services.

11 (h) This chapter shall not authorize a participating county to
12 reduce the county's eligibility under current law for state funding
13 for the services included in the program.

14 (i) A participating county shall utilize any and all state general
15 and county funds that it is legally allocated or entitled to receive.
16 Through the creation of integrated health and social services
17 structures, the county shall maximize federal matching funds.

18 (j) The Secretary of Health and Human Services shall
19 designate a lead department to coordinate the state's participation
20 in the county's program.

21 (k) The appropriate state departments that are assisting,
22 participating, and cooperating in the implementation of the
23 program authorized by this chapter shall have the authority to
24 waive regulations regarding the method of providing services and
25 the method of reporting and accountability, as may be required to
26 meet the goals set forth in subdivision (b). However, the
27 departments shall not waive regulations pertaining to privacy and
28 confidentiality of records, civil service merit systems, or
29 collective bargaining. The departments shall not waive
30 regulations if the waiver results in a diminished amount or level
31 of services or benefits to eligible recipients as compared to the
32 benefits and services that would have been provided to recipients
33 absent the waiver.

34 SEC. 2. Section 18986.87 of the Welfare and Institutions
35 Code is amended to read:

36 18986.87. (a) A participating county shall, in consultation
37 with the appropriate state departments, develop outcomes and
38 performance measures specific to the project prior to the
39 implementation of the program.

1 ~~(b) A participating county shall evaluate its program with the~~
2 ~~participation of the appropriate state departments and prepare an~~
3 ~~evaluation and submit it to the Governor or the Governor's~~
4 ~~designee and the appropriate policy committees of the~~
5 ~~Legislature. The evaluation shall be submitted not later than six~~
6 ~~months following the third year of the implementation of the~~
7 ~~program.~~

8 ~~(c) A participating county, with the assistance of the~~
9 ~~appropriate state departments, shall seek private funding to~~
10 ~~provide for the program evaluation. The evaluation required by~~
11 ~~this section shall be conducted only if nonstate resources are~~
12 ~~made available for this purpose.~~

13 ~~SEC. 3. Section 18986.88 of the Welfare and Institutions~~
14 ~~Code is repealed.~~